

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

-----x

In re:

35 REAL ESTATE LP,

Chapter 11

Case No.: 11-11489-SHL

Debtor.

-----x

**ORDER FIXING THE LAST DAY FOR THE FILING OF CHAPTER 11
ADMINISTRATIVE CLAIMS AND APPROVING THE FORM AND MANNER OF
NOTICE FOR CHAPTER 11 ADMINISTRATIVE CLAIMS**

Upon the application (the "Application") of Gregory M. Messer, Esq., as the Chapter 11 Trustee (the "Trustee") of 35 Real Estate LP (the "Debtor"), by his counsel, LaMonica Herbst & Maniscalco, LLP, seeking, pursuant to §§ 105(a) and 503(b) of Title 11, United States Code (the "Bankruptcy Code"), and Rules 1019(6) and 3003(c)(3) of the Federal Rules of Bankruptcy Procedure, the entry of an Order: (i) fixing September 7, 2011 at 5:00 p.m. (Eastern Time) (the "Chapter 11 Administrative Bar Date") as the last day for all creditors with claims against the Debtor (the "Chapter 11 Administrative Claims") that arose from March 31, 2011, the date the Debtor filed its respective Chapter 11 petition with this Court, through and including, July 31, 2011, including holders of claims under §§ 503(b) and 507(a)(2) as expenses of administration of the estate, to file proof of such Chapter 11 Administrative Claim; and (ii) approving the proposed form and manner of notice of the Chapter 11 Administrative Bar Date (the "Chapter 11 Administrative Bar Date Notice") to be provided by the Trustee to creditors and other interested parties, which is annexed hereto as Exhibit "A"; and it appearing that the manner of notice to be given of the entry of this Order as provided herein is

reasonably calculated to give good and sufficient notice of the Chapter 11 Administrative Bar Date (as defined in the Application); and sufficient cause appearing therefor, it is

ORDERED, that all creditors, individuals, partnerships, corporations, associations and other entities that hold or assert claims against the Debtors' estates that arose from March 31, 2011 through and including July 31, 2011, or which may be accorded Chapter 11 administrative status, including holders of claims under §§ 503(b) and 507(a)(2) as expenses of administration of the estate, are hereby required to file a proof of claim with the Clerk of the Court for the United States Bankruptcy Court for the Southern District of New York no later than **September 7, 2011 at 5:00 p.m. (Eastern Time)**; and, it is further

ORDERED, that the following procedures for the filing of Chapter 11 Administrative Claims shall apply:

(a) (i) Proofs of Chapter 11 Administrative Claims should be filed utilizing the Chapter 11 Administrative Claim Form annexed as Exhibit "1" to the Chapter 11 Administrative Bar Date Notice, or must otherwise substantially conform to Official Bankruptcy Form No. 10;

(ii) Additional proof of claim forms may be obtained at <http://www.nysb.uscourts.gov/forms.html>, or if additional Chapter 11 Administrative Claim Forms are needed, by contacting LaMonica Herbst & Maniscalco, LLP, counsel for the Trustee, Attn: Adam P. Wofse, Esq., 3305 Jerusalem Avenue, Wantagh, New York 11793, (516) 826-6500;

(iii) All proof of claim forms must be signed by the claimant or, if the claimant is not an individual, by an authorized agent of the claimant;

(iv) All proof of claim forms must be written in English and be denominated in

United States currency;

(v) Each claimant should attach to its completed proof of claim any documents on which the claim is based (if voluminous, attach a summary) or an explanation as to why the documents are not available; and

(vi) If claimant does not utilize the Chapter 11 Administrative Claim Form annexed as Exhibit “1” to the Notice, then claimant must indicate that the claim is a Chapter 11 Administrative Claim;

(b) (i) Attorneys (with full access accounts) and employees of institutional creditors (with limited access accounts) should file proofs of Chapter 11 Administrative Claims electronically on the Court’s Case Management/Electronic Case File (“CM/ECF”) system;

(ii) Those without accounts to the CM/ECF system must file their Chapter 11 Administrative proofs of claim by mailing or delivering the original Chapter 11 Administrative proof of claim by hand to the United States Bankruptcy Court, Southern District of New York, One Bowling Green, Room 534, New York, New York 1004-1408. Proofs of Chapter 11 Administrative Claim may not be delivered by facsimile, telecopy or electronic mail transmission;

(c) Proofs of Chapter 11 Administrative Claims will be deemed filed only when received by the Clerk of the Bankruptcy Court on or before the Chapter 11 Administrative Bar Date; and, it is further

ORDERED, that the Chapter 11 Administrative Bar Date shall not apply to:

- a. the Trustee and any professional retained by the Trustee upon order of the Court, for the payment of fees and the reimbursement of expenses;
- b. any person or entity that already filed a Chapter 11 Administrative Claim

- c. any person or entity whose Chapter 11 Administrative Claim has already been allowed by the Court;
- d. any person or entity whose Chapter 11 Administrative Claim has been paid in full by the Trustee or the Debtors; and
- e. any person or entity holding an Chapter 11 Administrative Claim for which a specific deadline has previously been fixed by the Court and such party will be bound by the prior deadline set by this Court.

and, it is further

ORDERED, that any holder or purported holder of a Chapter 11 Administrative Claim that is required by this Order to file a Chapter 11 Administrative Claim by the Chapter 11 Administrative Bar Date and who fails to file such claim by that date shall not be treated as a creditor with respect to such claim for purposes of distribution from the Debtor's estate; and, it is further

ORDERED, that on or before August 15, 2011, the Trustee shall give notice of the entry of this Order by mailing the Chapter 11 Administrative Bar Date Notice of the last day to file the Chapter 11 Administrative Claims to: (a) all creditors listed in the Debtor's schedules (b) all individuals and/or entities whom the Debtor has advised the Trustee may have Chapter 11 Administrative Claims; (c) all individuals and/or entities that have contacted the Trustee or his counsel and have claimed to have Chapter 11 Administrative Claims; (d) all entities that filed a notice of appearance and request for service of documents in this case; (e) counsel for the Debtor; (f) the Office of the United States Trustee (g) the respective taxing authorities; and (h) any other entities known or believed to hold a Chapter 11 Administrative Claim; and, it is further

ORDERED, that service of the Chapter 11 Administrative Bar Date Notice, as defined and set forth in the Application and this Order, shall be deemed good and sufficient notice of the Chapter 11 Administrative Bar Date.

Dated: **August 11, 2011**
New York, New York

/s/ Sean H. Lane
Honorable Sean H. Lane
United States Bankruptcy Judge

Exhibit A

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
In re:

35 REAL ESTATE LP,

Chapter 11
Case No.: 11-11489-SHL

Debtor.
-----X

**NOTICE THAT SEPTEMBER 7, 2011 AT 5:00 P.M. (EASTERN TIME)
IS THE DEADLINE FOR FILING PROOFS OF CHAPTER 11
ADMINISTRATIVE CLAIMS AGAINST THE DEBTOR**

The United States Bankruptcy Court for the Southern District of New York entered an Order (the “Administrative Claim Bar Order”) establishing **September 7, 2011 at 5:00 p.m. (Eastern Time)** (the “Administrative Claim Bar Date”) as the last date for all creditors with claims (“Chapter 11 Administrative Claims”) that arose against the Debtor from March 31, 2011 through and including, July 31, 2011, and holders of claims under §§ 503(b) and 507(a)(2) as expenses of administration of the estate, to file Chapter 11 Administrative Claims against the estate.

1. WHO MUST FILE A PROOF OF CLAIM

You **MUST** file a proof of Chapter 11 Administrative Claim to share in distributions from the Debtor’s bankruptcy estate if you have a Chapter 11 Administrative Claim (a claim that arose from March 31, 2011 through July 31, 2011 and holders of claims under §§ 503(b) and 507(a)(2)) against the Debtor’s bankruptcy estate) and it is not the type of claim described in Section 4 below. A Chapter 11 Administrative Claim Form is annexed as Exhibit “1” to this Notice.

THIS DEADLINE DOES NOT RELATE TO CLAIMS THAT AROSE BEFORE THE DEBTOR FILED ITS PETITION, AS A BAR DATE WAS PREVIOUSLY SET FOR THOSE CLAIMS.

2. WHAT TO FILE

You should utilize the Chapter 11 Administrative Claim Form annexed as Exhibit “1” to this Notice. It is preferred that you utilize the annexed proof of claim form. Otherwise, your filed proof of claim must conform substantially to Official Form No. 10. Additional proof of claim forms may be obtained at <http://www.nysb.uscourts.gov/forms.html>. Alternatively, if additional Chapter 11 Administrative Claim Forms are needed, the same may be obtained by contacting LaMonica Herbst & Maniscalco, LLP, counsel for the Trustee, Attn: Adam P. Wofse, Esq., 3305 Jerusalem Avenue, Wantagh, New York 11793, (516) 826-6500. All proof of claim forms must be signed by the claimant or, if the claimant is not an individual, by an authorized agent of the claimant. All proofs of claim must be written in English and be denominated in United States currency. You should attach to your completed proof of claim any documents on which the claim is based (if voluminous, attach a summary) or an explanation as to why the documents are not available. You must indicate that your claim is a Chapter 11 Administrative Claim (if you do not use the Chapter 11 Administrative Claim Form annexed as Exhibit “1” to this Notice).

3. WHEN AND WHERE TO FILE

Except as provided for herein, all Chapter 11 Administrative Claims must be filed with the Bankruptcy Court, so as to be received **on or before September 7, 2011 at 5:00 p.m. (Eastern Time).**

Attorneys (with full access accounts) and employees of institutional creditors (with limited access accounts) should file proofs of Chapter 11 Administrative Claim electronically on the Court’s Case Management/Electronic Case File (“CM/ECF”) system.

Those without accounts to the CM/ECF system must file their proofs of Chapter 11 Administrative Claim by mailing or delivering the original proof of Chapter 11 Administrative

Claim by hand or overnight courier to the Court at the address provided below:

**United States Bankruptcy Court
Southern District of New York
One Bowling Green
Room 534
New York, New York 10004-1408**

Proofs of Chapter 11 Administrative Claim will be deemed filed only when received by the Bankruptcy Court on or before the Administrative Claim Bar Date. Proofs of Chapter 11 Administrative Claim may not be delivered by facsimile, telecopy or electronic mail transmission.

4. WHO NEED NOT FILE A PROOF OF CLAIM

You do not need to file a proof of Chapter 11 Administrative Claim by the Bar Date if you are:

- a. the Trustee or any professional retained by the Trustee, upon order of the Court, for the payment of fees and the reimbursement of expenses;
- b. any person or entity that already filed a Chapter 11 Administrative Claim;
- c. any person or entity whose Chapter 11 Administrative Claim has already been allowed by the Court;
- d. any person or entity whose Chapter 11 Administrative Claim has been paid in full by the Trustee or the Debtor; and
- e. any person or entity holding an Chapter 11 Administrative Claim for which a specific deadline has previously been fixed by the Court and such party will be bound by the prior deadline set by this Court.

This Notice is being sent to many persons and entities that have had some relationship with or have done business with the Debtor but may not have an unpaid Chapter 11 Administrative Claim against the Debtor. The fact that you have received this Notice does not mean that you have a Chapter 11 Administrative Claim or that the Debtor or the Court believes that you have a Chapter 11 Administrative Claim against the Debtor.

5. FAILURE TO FILE A PROOF OF CLAIM BY THE BAR DATE

ANY HOLDER OF A CHAPTER 11 ADMINISTRATIVE CLAIM THAT IS NOT EXEMPT FROM THE REQUIREMENTS OF THIS ORDER, AS SET FORTH ABOVE, AND THAT FAILS TO TIMELY FILE A PROOF OF CHAPTER 11 ADMINISTRATIVE CLAIM IN THE APPROPRIATE FORM WILL BE BARRED FROM ASSERTING SUCH CHAPTER 11 ADMINISTRATIVE CLAIM AGAINST THE DEBTOR'S ESTATE AND FROM PARTICIPATING IN ANY DISTRIBUTION IN THE DEBTOR'S CASE ON ACCOUNT OF SUCH CHAPTER 11 ADMINISTRATIVE CLAIM(S).

A holder of a possible Chapter 11 Administrative Claim against the Debtor should consult an attorney regarding any matters covered or not covered by this notice, such as whether the holder should file a proof of Chapter 11 Administrative Claim.

Dated: August 11, 2011
New York, New York

BY ORDER OF THE COURT

United States Bankruptcy Court
Southern District of New York
One Bowling Green
New York, New York 10004

LaMonica Herbst & Maniscalco, LLP
Attention: Adam P. Wofse, Esq.
Attorneys for the Chapter 11 Trustee
3305 Jerusalem Avenue
Wantagh, New York 11793
Ph. 516.826.6500

UNITED STATES BANKRUPTCY COURT SOUTHERN DISTRICT OF NEW YORK					
CHAPTER 11 ADMINISTRATIVE CLAIM					
In re (Name of Debtor): 35 Real Estate LP				Case Number: 11-11489-SHL	
NOTE: This Administrative Claim is to be used solely in connection with a request for payment of an administrative expense arising after the commencement of the Debtor's case or those claims which may be accorded Chapter 11 administrative status (including claims pursuant to section 503(b)(9) of the United States Bankruptcy Code).					
Name of Creditor: 				<input type="checkbox"/> Check this box to indicate that this claim amends a previously filed claim. Court Claim Number: _____ (if known) Filed on: _____ Check box if you are aware that anyone else has filed a proof of claim relating to your claim. Attach copy of statement giving particulars.	
Name and Address where notices should be sent: 					
Telephone Number:					
ACCOUNT OR OTHER NUMBER BY WHICH CREDITOR IDENTIFIES DEBTOR: _____				<input type="checkbox"/> Check this box if you are aware that anyone else has filed a proof of claim relating to your claim. Attach copy of statement giving particulars. <input type="checkbox"/> Check this box if you are the debtor or trustee in this case.	
1. BASIS FOR CLAIM: <div style="display: flex; justify-content: space-between;"><div><input type="checkbox"/> Goods sold <input type="checkbox"/> Services performed <input type="checkbox"/> Money loaned <input type="checkbox"/> Personal injury/wrongful death <input type="checkbox"/> Taxes <input type="checkbox"/> Other (Describe briefly):</div><div><input type="checkbox"/> Retiree benefits as defined in 11 U.S.C. §1114(a) <input type="checkbox"/> Wages, salaries, and compensations (Fill out below) Your social security number (last four digits only) _____ Unpaid compensations for services performed from _____ to _____ (date) (date)</div></div>					
2. DATE DEBT WAS INCURRED:			3. IF COURT JUDGMENT, DATE OBTAINED:		
4. Total amount of Administrative Claim: _____ If all or part of your claim is secured or entitled to priority, also complete Items 5 and 6 below. <input type="checkbox"/> Check this box if claim includes interest or other charges in addition to the principal amount of the claim. Attach itemized statement of all interest or charges.					
5. Brief Description of Claim (Attach any additional information): 					
6. CREDITS: The amount of all payments on this claim has been credited for the purpose of making this proof of claim.					
7. DOCUMENTS: Attach redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, judgments, mortgages, and security agreements. You may also attach a summary. Attach redacted copies of documents providing evidence of perfection of a security agreements. You may also attach a summary.					
DO NOT SEND ORIGINAL DOCUMENTS. ATTACHED DOCUMENTS MAY BE DESTROYED AFTER SCANNING. If the documents are not available, please explain:					
Date: _____ Signature: _____				FOR COURT USE ONLY	
The person filing this proof of claim must sign it. Sign and print name and title, if any, of the creditor or other person authorized to file this claim and state address and telephone number if different from the notice address above. Attach copy of power of attorney, if any.					

Penalty for presenting fraudulent claim: Fine of up to \$500,000 or imprisonment for up to 5 years, or both. 18 U.S.C. §§152 and 3571.

INSTRUCTIONS FOR FILING CHAPTER 11 ADMINISTRATIVE CLAIM

The instructions below are general explanations of the law. In particular types of cases or circumstances, such as bankruptcy cases that are not filed voluntarily by a debtor, there may be exceptions to the general rules.

DEFINITIONS		
<p>Debtor The person, corporation or other entity that has filed bankruptcy is called the debtor. 35 Real Estate LP is referred to as the Debtor.</p> <p>Redacted A document has been redacted when the person filing it has masked, edited out, or otherwise deleted, certain information. A creditor should redact and use only the last four digits of any social-security, individual's tax identification, or financial-account number, all but the initials of a minor's name and only the year of any person's date of birth.</p> <p>Creditor A creditor is any person, corporation, or other entity to whom the Debtor owes a debt.</p>	<p>Administrative Expense Claim Any right to payment constituting a cost or expense of administration of the Debtor's case allowed under sections 503(b) and 507(a)(2) of the Bankruptcy Code, including, without limitation, any actual and necessary costs and expenses of operating the Debtor's estate, any actual and necessary costs and expenses of operating the Debtor's business, and any fees or charges assessed against the estate of the Debtor under section 1930 of Chapter 123 of title 28 of the United States Code.</p>	<p>Administrative Bar Date Pursuant to an Order of the Bankruptcy Court dated _____, all Administrative Claims must be filed on or before _____.</p> <p>The Administrative Bar Date shall not apply to:</p> <ul style="list-style-type: none"> a. any person or entity holding a claim that arose prior to the Petition Date, but only with respect to such pre-Petition Date claim or claims; b. the Trustee and any professional retained by the Trustee upon order of the Court, for the payment of fees and the reimbursement of expenses; c. any person or entity whose Chapter 11 Administrative Claim has been paid in full by the Debtor or the Trustee; and d. any person or entity holding an Chapter 11 Administrative Claim for which a specific deadline has previously been fixed by the Court.
ITEMS TO BE COMPLETED IN CHAPTER 11 ADMINISTRATIVE CLAIM FORM (IF NOT ALREADY FILLED IN)		
<p>Name of Debtor and Case Number Fill in the name of the specific Debtor and the Debtor's bankruptcy case number against which the Administrative Claim is being asserted.</p> <p>Information about Creditor Complete the section giving the name, address and telephone number of the creditor to whom the Debtor owes money or property, and the Debtor's account number(s), if any. If anyone else has already filed an Administrative Claim relating to this debt, if you never received notices from the bankruptcy court about these cases, if your address differs from that to which the court sent notice, or if this Administrative Claim form replaces or changes an Administrative Claim previously filed, check the appropriate box on the form.</p>	<p>1. Basis for Claim: Check the type of debt for which the Administrative Claim form is being filed. If the type of debt is not listed, check "Other" and briefly describe the type of debt. If you were an employee of the Debtor, fill in the last four digits of your social security number and the dates of work for which you were not paid.</p> <p>2. Date Debt Incurred: Fill in the date when the Debtor first owed the debt.</p> <p>3. If Court Judgment, Date Obtained: Fill in the date when the Judgment was signed or entered.</p> <p>4. Total Amount of Administrative Claim: Fill in the total amount of the entire claim. If interest or other charges in addition to the principal amount are included, check the appropriate place on the form and attach an itemization of the interest and charges.</p>	<p>5. Brief Description on Claim: Describe the Administrative Claim.</p> <p>6. Credits: By signing the Administrative Claim form, you are stating under oath that in calculating the amount of your claim you have given the Debtor credit for all payments received from the Debtor.</p> <p>7. Documents: You must attach to this Administrative Claim form copies of all documents that show the Debtor owes the amount claimed or, if the documents are voluminous, a summary of those documents. If documents are not available, you must attach an explanation of why they are not available.</p>
INFORMATION		
<p>Acknowledgment of Filing of Claim To receive acknowledgment of your filing, you may either enclose a stamped self-addressed envelope and a copy of this proof of claim or you may access the court's PACER system (www.pacer.psc.uscourts.gov) for a small fee to view your filed proof of claim.</p>	<p>Offers to Purchase a Claim Certain entities are in the business of purchasing claims for an amount less than the face value of the claims. One or more of these entities may contact the creditor and offer to purchase the claim. Some of the written communications from these entities may easily be confused with official court documentation or communications from the debtor. These entities do not represent the bankruptcy court or the debtor. The creditor has no obligation to sell its claim. However, if the creditor decides to sell its claim, any transfer of such claim is subject to FRBP 3001(e), any applicable provisions of the Bankruptcy Code (11 U.S.C. § 101 et seq.), and any applicable orders of the bankruptcy court.</p>	